

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

DECLARATION OF DOUGLAS P. LALONE IN SUPPORT OF DEFENDANT MASABI LTD'S MOTION AND BRIEF IN SUPPORT OF ITS MOTION TO STRIKE PLAINTIFF'S PATENT RULE 3-1 INFRINGEMENT CONTENTIONS

I, Douglas P. LaLone, declare and state as follows:

1. I am a member of the State Bar of Michigan and a Partner at Fishman Stewart PLLC, counsel for Defendant Masabi LTD. ("Masabi") in the above captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto as follows:
2. Attached as **Exhibit A** is a true and correct copy of Bytemark's '967 Patent – Masabi GoMobile Infringement Contentions.
3. Attached as **Exhibit B** is a true and correct copy of Bytemark's '967 Patent – Masabi MBTA Infringement Contentions.
4. Attached as **Exhibit C** is a true and correct copy of Bytemark's '993 Patent – Masabi GoMobile Infringement Contentions.
5. Attached as **Exhibit D** is a true and correct copy of Bytemark's '993 Patent – Masabi MBTA Infringement Contentions.

6. Attached as **Exhibit E** is a true and correct copy of Masabi April 7, 2017 Rule 11 Letter to Bytemark.
7. Attached as **Exhibit F** is a true and correct copy of the Declaration of Ben Whitaker as sent to Bytemark on April 7, 2017.
8. Attached as **Exhibit G** is a true and correct copy of Bytemark's April 28, 2017 Letter to Masabi in Response to Masabi's April 7, 2017 Letter,
9. Attached as **Exhibit H** is a true and correct copy of Bytemark's May 19, 2017 Response to Masabi's Requests to Admit 1-37.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of May, 2017 at Bloomfield Hills, MI.

By:/s Douglas P. Lalone

Douglas P. LaLone